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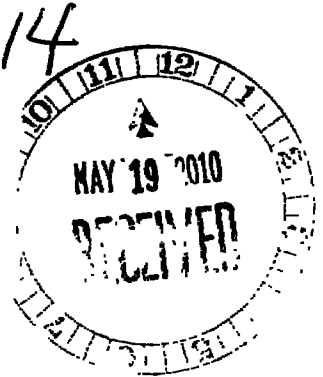
Law

Thomas J. Healey
Counsel - Regulatory

17641 S. Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

227114



May 18, 2010

Via Overnight Mail

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20424

ENTERED
Office of Proceedings

MAY 19 2010

Part of
Public Record

Re: Docket No. AB-117 (Sub-No. 7X), Elgin, Joliet & Eastern Railway
Company — Abandonment Exemption — in Hammond, Lake County,
Indiana

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Elgin, Joliet & Eastern Railway Company dated May 18, 2010, pursuant to 49 C.F.R. § 1152.50. I am also enclosing a check in the amount of \$3,700.00, representing the appropriate fee for this filing.

One extra copy of this transmittal letter is enclosed as well. Please date stamp this copy to show receipt and return it to me in the enclosed envelope.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Respectfully submitted,

Thomas J. Healey
Attorney for
Elgin, Joliet & Eastern Railway Company

Encls.

cc: Indiana Department of Transportation

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-117 (SUB-NO. 7X)



ELGIN, JOLIET & EASTERN RAILWAY COMPANY
— ABANDONMENT EXEMPTION —
IN HAMMOND, LAKE COUNTY, INDIANA

ENTERED
Office of Proceedings

MAY 19 2010

Part of
Public Record

VERIFIED NOTICE OF EXEMPTION OF
ELGIN, JOLIET & EASTERN RAILWAY COMPANY
PURSUANT TO 49 C.F.R. § 1152.50

FEE RECEIVED

MAY 19 2010

SURFACE
TRANSPORTATION BOARD

Thomas J. Healey
17641 S. Ashland Avenue
Homewood, IL 60430-1345
(708) 332-4381
ATTORNEY FOR
ELGIN, JOLIET & EASTERN
RAILWAY COMPANY

FILED

MAY 19 2010

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-117 (Sub-No. 7X)



ELGIN, JOLIET & EASTERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN HAMMOND, LAKE COUNTY, INDIANA

**VERIFIED NOTICE OF EXEMPTION OF
ELGIN, JOLIET & EASTERN RAILWAY COMPANY
PURSUANT TO 49 C.F.R. § 1152.50**

Elgin, Joliet & Eastern Railway Company ("EJ&E") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad in Hammond, Lake County, Indiana, referred to herein as the "Line" between milepost 46.10 and milepost 48.28, a distance of 2.18 miles.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), EJ&E submits the following information:

General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)

EJ&E is a Class I common carrier by rail which owns and operates approximately 198 miles of mainline trackage in Illinois and Indiana. EJ&E is a wholly-owned subsidiary of Canadian National Railway Company. The complete name and address of EJ&E is:

Elgin, Joliet & Eastern Railway Company
17641 S. Ashland Avenue
Homewood, IL 60430-1345

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, EJ&E intends to abandon its line of railroad between Mileposts 46.10 and 48.28, a distance of approximately 2.18 miles in Hammond, Lake County, Indiana.

Map: 49 C.F.R. § 1152.22(a)(4)

A map of the Line to be abandoned is attached hereto as Exhibit A.

IC's Representative: 49 C.F.R. § 1152.22(a)(7)

EJ&E's representative to whom correspondence regarding this abandonment should be sent is:

Thomas J. Healey
17641 S. Ashland Avenue
Homewood, IL 60430-1345
(708) 332-4381

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The portion of the Line to be abandoned traverses United States Postal Service ZIP Code 46320.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

Per the certificate and verification attached hereto as Exhibit B, EJ&E certifies that no local revenue traffic has moved over the portion of the Line to be abandoned for at least the last two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on the portion of the Line to be abandoned (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

Consummation Date: 49 C.F.R. § 1152.50(d)(2)

EJ&E will not consummate the proposed abandonment any earlier than July 6, 2010.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

EJ&E does not believe that the right-of-way would be of interest to the State or any other entity as a highway or mass transportation line or other similar public use because it sits in a developed urban area with a mature roadway system.

Labor Protection: 49 C.F.R. 1152.50(d)(2)

The level of labor protection applicable in rail line abandonment's is that established in *Oregon Short Line Co. — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)

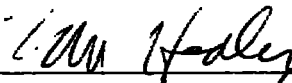
A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

An Environmental Report and Historic Report, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, were already filed with the Surface Transportation Board in this proceeding.

Since filing the Environmental and Historic Report with the Surface Transportation Board, EJ&E has received correspondence from the State of Indiana, Department of Natural Resources, Division of Water, see correspondence attached as Exhibit D. The DNR has stated the EJ&E should be mindful of any wildlife and botanical resources that will be encountered with this abandonment.

Respectfully submitted,

By 
Thomas J. Healey
17641 S. Ashland Avenue
Homewood, IL 60430-1345
(708) 332-4381

ATTORNEY FOR ELGIN, JOLIET & EASTERN
RAILROAD COMPANY

Dated: May 18, 2010

EXHIBIT B

DOCKET NO. AB-117 (SUB-NO. 7X)

**ELGIN, JOLIET & EASTERN RAILWAY COMPANY
— ABANDONMENT EXEMPTION —
IN HAMMOND, LAKE COUNTY, INDIANA**

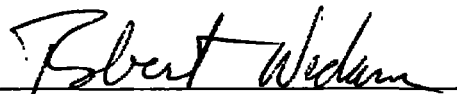
CERTIFICATE AND VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Robert M. Wedam, being duly sworn, deposes and says:

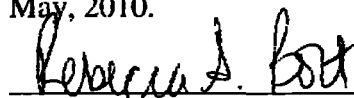
1. That no local traffic has moved over the line of Elgin, Joliet & Eastern Railway Company ("EJ&E") from milepost 46.10 to 48.28, a distance of 2.18 miles in Hammond, Lake County, Indiana, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Date: May 18, 2010



Robert M. Wedam
Senior Manager – Network Strategies
Elgin, Joliet & Eastern Railway Company

Subscribed and sworn to
before me this 18th day of
May, 2010.



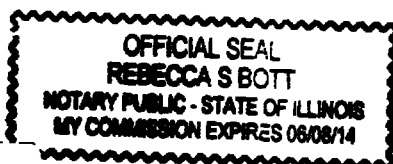
Notary Public

EXHIBIT C

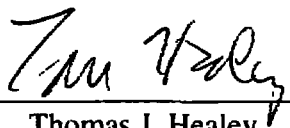
CERTIFICATE

I, Thomas J. Healey, an attorney for Elgin, Joliet & Eastern Railway Company, hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-117 (Sub-No. 7X), Elgin, Joliet & Eastern Railway Company — Abandonment Exemption — in Hammond, Lake County, Indiana:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to-wit: On April 22, 2010, written notice was mailed to the: (a) Indiana Department of Transportation; (b) U.S. Department of Defense, MTMCTEA; (c) National Center for Recreation and Conservation; and (d) U.S. Department of Agriculture (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On April 7, 2010, the Environmental Report and Historic Report for this proceeding, which reports have also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on March 25, 2010, in *The Northwest Indiana Times*, a newspaper of general circulation in Hammond, Lake County, Indiana. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and Affidavit of Publication are attached to this Certificate as Attachment 7.



Thomas J. Healey

Dated: May 18, 2010



www.cn.ca

Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

April 22, 2010

Indiana Department of Transportation
100 N. Senate Ave.
Room IGCN 755
Indianapolis, IN 46204

Re: Docket No. AB-117 (Sub-No. 7X), Elgin, Joliet & Eastern Railway Company
Notice of Exemption in Hammond, Lake County, Indiana

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Elgin, Joliet & Eastern Railway Company shall on or after May 7, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 2.18 miles of railroad line starting at milepost 46.10 and ending at milepost 48.28 in Hammond, Lake County, Indiana. Such line runs through U.S. Postal Zip Code 46320.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey
Attorney for Elgin, Joliet & Eastern Railway Company



www.cn.ca

Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

April 22, 2010

Military Surface Deployment and Distribution Command
Transportation Engineering Agency
Attn: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Re: Docket No. AB-117 (Sub-No. 7X), Elgin, Joliet & Eastern Railway Company
Notice of Exemption in Hammond, Lake County, Indiana

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Sincerely,

Thomas J. Healey
Attorney for Elgin, Joliet & Eastern Railway Company



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Law

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Counsel - Regulatory
17641 S Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

April 22, 2010

Ms. Abigail Kimball
Chief, Forest Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
RM 4NW YATESBG
Washington, DC 20250

Re: Docket No. AB-117 (Sub-No. 7X), Elgin, Joliet & Eastern Railway Company
Notice of Exemption in Hammond, Lake County, Indiana

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Elgin, Joliet & Eastern Railway Company shall on or after May 7, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 2.18 miles of railroad line starting at milepost 46.10 and ending at milepost 48.28 in Hammond, Lake County, Indiana. Such line runs through U.S. Postal Zip Code 46320.

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Sincerely,

Thomas J. Healey
Attorney for Elgin, Joliet & Eastern Railway Company



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Law

Thomas J. Healey
Counsel - Regulatory
17641 S Ashland Avenue
Homewood, IL 60430-1339

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F - 708-332-4361
tom.healey@cn.ca

April 22, 2010

Mr. Thomas Ross, Division Chief
National Center for Recreation and Conservation
National Park Service
1849 C. Street, N.W.
Org. Code 2220
Washington, D.C. 20420

Re: Docket No. AB-117 (Sub-No. 7X), Elgin, Joliet & Eastern Railway Company
Notice of Exemption in Hammond, Lake County, Indiana

Dear Sir/Madam:

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The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey
Attorney for Elgin, Joliet & Eastern Railway Company



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Law

Thomas J. Healey
Counsel - Regulatory

17641 S. Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
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tom.healey@cn.ca

April 7, 2010

**Re: Elgin, Joliet & Eastern Company Notice of Exemption for Abandonment – Hammond,
Lake County, Indiana - Docket AB-117 (Sub-No. 7X)**

To Whom It May Concern:

Any time on or after May 7, 2010, Elgin, Joliet & Eastern Railway Company ("EJ&E") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost 46.10 and milepost 48.28, a distance of 2.18 miles, in Hammond, Lake County, Indiana. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423-0001, (202) 245-0245, and refer to the above docket number.

EJ&E will file the Environmental Report and Historic Report with the STB on or about May 7, 2010. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (708) 332-4381 or by mail at the above address.

Sincerely,

Thomas J. Healey
Attorney for Elgin, Joliet & Eastern Railway Company

Encls.

**Indiana Historic Preservation Agency
608 East Third Street
Hobart, IN 46342**

**US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460**

**Office of Ocean and Coastal Resource
Management
NOAA Ocean Service
1305 East West Highway
Silver Spring, MD 20910**

**Mr. Frances DuPey
Commissioner, 3rd District
2293 N. Main Street
Building A, 3rd Floor
Crown Point, IN 46307**

**Indiana Environmental Protection Agency
Office of Regional Counsel
UPEPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604**

**Division of Fish and Wildlife
Indiana Department of Natural Resources
402 W. Washington St. RM W273
Indianapolis, IN 46204**

**U.S. Army Corps of Engineers, Louisville District
P.O. Box 59
Louisville, KY 40201-0059**

**Mr. Dewayne Prince, Chief Land Resource
National Park Service, Midwest Region
601 Riverfront Dr.
Omaha, NE 68102**

**Ms. Jane Hardisty, State Conservationist
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, Indiana 46278-2933**

**Indiana Department of Transportation
100 N. Senate Ave.
Room IGCN 755
Indianapolis, IN 46204**

Mr. Simon Monroe
Simon.Monroe@noaa.gov

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Prescribed by State Board of Accounts

General Form No 99P (Rev. 200

CN Law Department
(Governmental Unit)

To The Times Media Company

Lake County, Indiana

601-45th Avenue, Munster, IN 46321

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines -----

Head -- number of lines -----

Body -- number of lines -----

Tail -- number of lines -----

Total number of lines in notice -----

COMPUTATION OF CHARGES

.....*58* lines,*1* columns wide equals*58* equivalent lines at 400 cents per line -----

Additional charges for notices containing rule or tabular work (50 per cent of above amount) -----

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) -----

TOTAL AMOUNT OF CLAIM -----

\$ *232.00*
Online Char
\$10.

\$ *242.00*
202895

DATA FOR COMPUTING COST

Width of single column in picas 9p4

Size of type 7.0 point.

Number of insertions *1*

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper*1* times. The dates of publication being as follows:

March 25, 2010

Additionally, the statement checked below is true and correct:

..... Newspaper does not have a Web site.

..X.. Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

... Newspaper has a Web site, but due to technical problem or error, public notice was posted on

..... Newspaper has a Web site but refuses to post the public notice.

Kate Stephens

Title: Legal Clerk

Date

March 25, 2010

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Water**

Early Coordination/Environmental Assessment

DNR #: ER-14400-1 **Request Received:** February 3, 2010

Requestor: CN
Thomas J Healey
17641 S. Ashland Avenue
Homewood, IL 60430-1339

Project: Elgin, Joliet and Eastern Railway Company proposed abandonment in Hammond

County/Site info: Lake

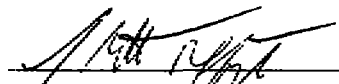
The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

Regulatory Assessment: This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if you are unsure whether or not a permit will be required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: Fish, wildlife, and botanical resource losses as a result of this project can be minimized through implementation of the following measures.
Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.
Minimize and contain within the project limits all tree and brush clearing and provide the opportunity to utilize cleared trees of firewood and timber size.
Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.
Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
Seed and protect all disturbed streambanks and slopes that are 3:1 or steeper with erosion control blankets (follow manufacturer's recommendations for installation); seed and apply mulch on all other disturbed areas.
Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height.
Do not excavate or place fill in any riparian wetland.

Contact Staff: Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please do not hesitate to contact the above staff member at (317) 232-4160 or 1-877-928-3755 (toll free) if we can be of further assistance


J. Matthew Buffington
Environmental Supervisor
Division of Fish and Wildlife

Date: May 5, 2010